REMARKS

In the Notice of Non-Compliant Amendment mailed March 4, 2009, the Examiner asserts that amendments have been made to claim 1 which are not indicated by strike-through or underlining. Applicant's Representative reviewed the amendments to claim 1 in the Amendments filed on March 19, 2008 and December 5, 2008.

For example, the amendments to claim 1 in the Amendment filed on March 19, 2008 were as follows:

A vector for directional cloning and expression comprising a recognition site for a first restriction enzyme that generates a 3' TA overhang which is 5' to a recognition site for a second restriction enzyme which generates blunt ends and comprising a promoter, a selectable marker gene and sequences for replication and/or maintenance of the vector in a host cell, wherein the selectable marker gene and sequences for replication and/or maintenance are 5′ to the recognition site for the first restriction enzyme and 3′ to the recognition site for the second restriction enzyme, wherein the promoter is 5′ to the recognition site for the first restriction enzyme, wherein the promoter is positioned so that an open reading frame, introduced by ligating ~~which vector, once digested with the first and second restriction enzymes yields a vector backbone that when ligated to~~ a DNA fragment with the open reading frame and with compatible ends to the ends generated by digestion of the vector with the first and second restriction enzymes ~~comprising an open reading frame flanked by an end generated by *SgfI* and an end generated by a third restriction enzyme which has infrequent restriction sites in cDNAs or open reading frames from at least one species and generates blunt ends~~, is capable of being transcribed from the promoter ~~yields a recombinant vector comprising the open reading frame, wherein the site in the recombinant vector formed by ligation of the 3' TA overhang and the end generated by *SgfI* is 5' to the open reading frame~~, [[and]] wherein if the vector ~~backbone~~ has an open reading frame that includes sequences [[is]] 5' to the [[site]] recognition site for the first restriction enzyme but 3′ to the promoter, the sequence for the open reading frame that is 3' to the promoter [[and]] is positioned to be in frame with the open reading frame in the DNA fragment after ligation of the DNA fragment with the compatible ends and the ends generated by digestion of the vector with the first and second restriction enzymes, and wherein the compatible ends are generated by *SgfI* and a third restriction enzyme which has infrequent restriction sites in cDNAs or open reading

frames from at least one species and generates a blunt end ~~3' to the site, the vector backbone includes a promoter that is operably linked to the open reading frame which is 5' to the site~~.

The resulting claim reads as:

A vector for directional cloning and expression comprising a recognition site for a first restriction enzyme that generates a 3' TA overhang which is 5' to a recognition site for a second restriction enzyme which generates blunt ends and comprising a promoter, a selectable marker gene and sequences for replication and/or maintenance of the vector in a host cell, wherein the selectable marker gene and sequences for replication and/or maintenance are 5′ to the recognition site for the first restriction enzyme and 3′ to the recognition site for the second restriction enzyme, wherein the promoter is 5′ to the recognition site for the first restriction enzyme, wherein the promoter is positioned so that an open reading frame, introduced by ligating a DNA fragment with the open reading frame and with compatible ends to the ends generated by digestion of the vector with the first and second restriction enzymes, is capable of being transcribed from the promoter, wherein if the vector has an open reading frame that includes sequences 5' to the recognition site for the first restriction enzyme but 3′ to the promoter, the sequence for the open reading frame that is 3' to the promoter is positioned to be in frame with the open reading frame in the DNA fragment after ligation of the DNA fragment with the compatible ends and the ends generated by digestion of the vector with the first and second restriction enzymes, and wherein the compatible ends are generated by *SgfI* and a third restriction enzyme which has infrequent restriction sites in cDNAs or open reading frames from at least one species and generates a blunt end.

The amendments to claim 1 in the Amendment filed on December 5, 2008 were as follows:

A vector for directional cloning and expression comprising a recognition site for a first restriction enzyme that is *SgfI* ~~generates a 3' TA overhang~~ which is 5' to a recognition site for a second restriction enzyme which generates blunt ends and comprising a promoter, a selectable marker gene and sequences for replication and/or maintenance of the vector in a host cell, wherein the selectable marker gene and sequences for replication and/or maintenance are 5′ to the recognition site for the first restriction enzyme and 3′ to the recognition site for the second restriction enzyme, wherein the promoter is 5′ to the recognition site for the first restriction

enzyme, wherein the promoter is positioned so that transcription of an open reading frame, introduced by ligating a DNA fragment with the open reading frame and with compatible ends to the ends generated by digestion of the vector with the first and second restriction enzymes, is ~~capable of being transcribed from~~ initiated at the promoter, wherein if the vector has an open reading frame that includes sequences 5' to the recognition site for the first restriction enzyme but 3′ to the promoter, the sequence for the open reading frame that is 3' to the promoter is positioned to be in frame with the open reading frame in the DNA fragment after ligation of the DNA fragment with the compatible ends and the ends generated by digestion of the vector with the first and second restriction enzymes, and wherein the compatible ends are generated by an enzyme that generates a 3' TA overhang ~~*SgfI*~~ and a third restriction enzyme which has infrequent restriction sites in cDNAs or open reading frames from at least one species and generates a blunt end.

Applicant's Representative was only able to identify one amendment to claim 1 in the Amendment filed on December 5, 2008 which was not appropriately indicated, i.e., the strike-through of *SgfI* in line 17 rather than the use of double bracketing, e.g., [[*SgfI*]]. It is Applicant's position that the intent of that amendment was clear, however, for clarity that amendment is properly indicated in claim 1 hereinabove. If other amendments are alleged to be improper, further clarification on what those specific amendments are is respectfully requested in the next official communication.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6959

Date April 6, 2009

By _____
Janet E. Embretson
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6th day of April, 2009.

Dawn M. Poole
Name

Dawn M. Poole
Signature